

# MEMORANDUM OF UNDERSTANDING

between the

Office of Solid Waste and Emergency Response

U.S. Environmental Protection Agency

and the

Economic Development Administration

U.S. Department of Commerce

## I. Purpose

The purpose of this Memorandum of Understanding (MOU) is to establish policies and procedures for a general working agreement between the Office of Solid Waste and Emergency Response (OSWER) of the United States Environmental Protection Agency (EPA) and the Economic Development Administration (EDA) of the United States Department of Commerce (DOC) in support of EPA's Brownfields Economic Redevelopment Initiative (BERI).

## II. Background

The EPA has announced that over the next two years it will fund 50 brownfields pilot projects. The mission of BERI is to empower urban communities and other agents of economic redevelopment to work together to assess, safely cleanup, and sustainably reuse brownfields (abandoned or underused industrial and commercial facilities where expansion or redevelopment is complicated by real or perceived environmental contamination).

It has become increasingly clear that BERI, in order to be effective and provide a series of templates for states and municipalities looking to cleanup and redevelop potentially contaminated urban properties; demands the coordinated input of not only the Federal government's environmental officials and specialists but also its development expertise. EDA, in addition to its national office, has an extensive field office structure with an economic development representative located in almost every state.

EPA's Assistant Administrator for OSWER is authorized and directed to, among other things, prepare for and respond in a timely and effective manner to releases of hazardous substances, pollutants and contaminants into the environment; to establish and maintain programs, incentives, networks and other institutional mechanisms to minimize the quantity and toxicity of waste created by commercial, domestic, and government activities; and to ensure environmentally sound management of solid and hazardous wastes. DOC's Assistant Secretary for Economic Development is authorized and directed to, among other things, provide for the planning and coordination needed to alleviate, conditions of substantial and persistent unemployment and enhance the domestic prosperity by establishing stable and diversified local economies; and who also may provide economic development technical assistance through grants or staff assistance which would be useful in economically distressed areas.

### III. Agreement

OSWER and EDA will develop and improve their cooperative working relationship through taking collaborative action in support of BERI through their respective field and headquarters staffs.

- o EDA regional staff and state-based Economic Development Representatives may provide economic development technical assistance to councils established by BERI pilot finalists to develop specific and detailed action plans prior to EPA dollars actually being awarded.
- o EDA and OSWER Headquarters and Regional staff may share knowledge and serve together on advisory groups in the collection and dissemination of information on brownfields, including guidebooks and reports prepared under EDA technical assistance grants.
- o EDA and OSWER Headquarters and Regional staff may consult on issues concerning the economic redevelopment and reuse of contaminated industrial sites to ensure that sound environmental and economic development principles are utilized in project development.
- o As appropriate, EDA may participate in economic development activities related to site reuse in accordance with the applicable laws and authorities.

IV. Programming, Budgeting, Funding, and Reimbursement Arrangement

- A. This MOU is neither a fiscal nor a funds obligation document. Any endeavor involving reimbursement or contribution of funds between the Parties to this MOU will be handled in accordance with applicable laws and regulations and procedures, and will be subject to separate, subsidiary agreements that shall be effected in writing by representatives of both Parties.
- B. This MOU in no way restricts EPA or DOC from participating in similar activities or arrangements with other entities or Federal agencies.
- C. Nothing in this MOU shall obligate EPA or DOC to expend appropriations or to enter into any contract or other obligations.

V. Authorities

The authorities governing this MOU are as follows:

The Brownfields Initiative has initially been undertaken pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA). Because of the diverse nature of the problem and situations being addressed through the initiative, the roles of other Federal statutes in governing EPA's activities under this MOU are becoming increasingly significant. These other relevant statutes include, but are not limited to, the Resource Conservation and Recovery Act (RCRA), as amended by the Hazardous and Solid Waste Admendments of 1984 (HSWA), including Subtitle C (hazardous waste), Subtitle D (solid waste), Subtitle I (underground storage tanks); and the Oil Pollution Act Of 1990 (OPA).

The National Environmental Policy Act of 1969, as amended (NEPA) Pub. L. 91-190, 42 U.S.C. 4321-4347; and Executive Order 12898 on Environmental Justice.


The Public Works and Economic Development Act of 1965, as amended (PWEDA) 42 U.S.C. 3121.

VI. Effective Date

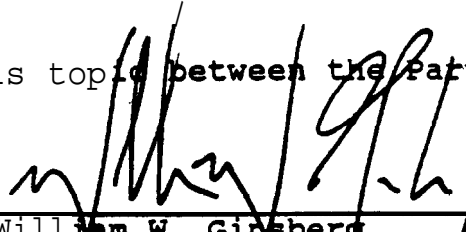
This MOU will become effective upon signature by the Parties hereto and shall remain in effect until termination by either Party. Either Party may terminate this MOU upon 90 days written notice to the other Party. Its provisions will be reviewed annually and amended or supplemented as may be agreed upon mutually.

VII. Other MOUs

There are no superseding MOUs on this topic ~~between the Parties~~ hereto.

  
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**Elliott P. Laws**  
Assistant Administrator  
**Office of Solid Waste**  
& Emergency Response  
U.S. Environmental Protection  
Agency

April 28, 1995 (date)

  
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**William W. Ginsberg**  
Assistant Secretary  
for Economic Development

U.S. Department of Commerce

April 21, 1995 (date)